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February 26

Honorable Paul G. Karkavelas
Senate Chamber
State House

Dear Senator Karkavelas:

This is in response to your verbal request of February 26, for our opinion as to the constitutionality of a proposed amendment to the liquor law (RSA 181) which would restrict direct or indirect control or ownership in establishments holding wholesale liquor permits to persons who have been residents and voters in this state for three years. The full text of the proposed amendment is as follows:

"181:2a Residence Requirement. No person shall through stock ownership, interlocking stock ownership, interlocking directors, or otherwise, have an interest or control, either direct or indirect, in the business of the holder of a wholesaler's permit unless he has been a resident and voter of the state for three years prior thereto. The provisions of this section shall not apply to the renewal of existing wholesale permits by the holders thereof at the time of the passage of this act.

It is the opinion of this office that the proposed amendment is constitutional. The classification of individuals as residents and non-residents, or voters and non-voters, is generally held to be reasonable in connection with the liquor laws and to satisfy the requirement of equal protection of the law. See Francis v. Fitzpatrick, 129 Conn. 619, 30 A2d 522. Annotation 145 ALR.

The draft of your proposed amendment is returned herewith.

Very truly yours,

Elmer T. Fourque
Assistant Attorney General

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